

(II) IS PHYSICALLY UNABLE TO RESIST, OR COMMUNICATE UNWILLINGNESS TO SUBMIT TO, VAGINAL INTERCOURSE, A SEXUAL ACT, OR SEXUAL CONTACT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 461(d).

The defined term "physically helpless individual" is substituted for the former defined term "physically helpless" for grammatical accuracy.

The references to an "individual" are substituted for the former references to a "victim" because, where the defined term "mentally defective individual" is applicable in this subtitle, the term "victim" is used in the substantive crime. See §§ 3-304(a)(2), 3-306(a)(2)(i), and 3-307(a)(2) of this subtitle.

The instances of the former redundant phrase "an act of" are deleted as implicit in the references to "vaginal intercourse".

(E) SEXUAL ACT.

(1) "SEXUAL ACT" MEANS ANY OF THE FOLLOWING ACTS, REGARDLESS OF WHETHER SEMEN IS EMITTED:

(I) ANALINGUS;

(II) CUNNILINGUS;

(III) FELLATIO;

(IV) ANAL INTERCOURSE, INCLUDING PENETRATION, HOWEVER SLIGHT, OF THE ANUS; OR

(V) AN ACT:

1. IN WHICH AN OBJECT PENETRATES, HOWEVER SLIGHTLY, INTO ANOTHER INDIVIDUAL'S GENITAL OPENING OR ANUS; AND

2. THAT CAN REASONABLY BE CONSTRUED TO BE FOR SEXUAL AROUSAL OR GRATIFICATION, OR FOR THE ABUSE OF EITHER PARTY.

(2) "SEXUAL ACT" DOES NOT INCLUDE:

(I) VAGINAL INTERCOURSE; OR

(II) AN ACT IN WHICH AN OBJECT PENETRATES AN INDIVIDUAL'S GENITAL OPENING OR ANUS FOR AN ACCEPTED MEDICAL PURPOSE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 461(e).

In paragraph (1)(iv) of this subsection, the phrase "including penetration, however slight, of the anus" is substituted for the former, inaccurate phrase "[p]enetration, however slight, is evidence of anal intercourse".